

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**Index No.: CV-07-8807**

**GEORGE ADAM,**

**(JGK)**

**Plaintiff,**

**-against-**

**DEFENDANTS'  
FIRST REQUEST  
FOR DOCUMENTS  
PURSUANT TO  
RULE 34**

**THE METROPOLITAN TRANSPORTATION  
AUTHORITY (MTA), THE MTA POLICE  
DEPARTMENT, MTA POLICE OFFICERS'  
ARNOLD E. PFEIFFER and RAYMOND T.  
REICHEL, MTA DETECTIVES' HENERSHOT  
and RUCANO, SGT. GIEL, LT. DEVILN and  
JOHN AND JANE DOES 1-2,**

**Defendants.**

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**S I R S :**

Defendants, THE METROPOLITAN TRANSPORTATION AUTHORITY (MTA), THE MTA POLICE DEPARTMENT, MTA POLICE OFFICERS' ARNOLD E. PFEIFFER and RAYMOND T. REICHEL, MTA DETECTIVES' HENERSHOT and RUCANO, SGT. GIEL, LT. DEVILN and JOHN AND JANE DOES 1-2, by their attorneys, BEE READY FISHBEIN HATTER & DONOVAN, LLP, as and for its Demand Pursuant to Rule 34, demands copies of the following documents to be produced within thirty (30) days:

1. The names, addresses, telephone numbers, and copies of all written, transcribed and/or recorded statements of any and all witnesses to:

(a) The incidents described in the complaint;

- (b) Any acts, omissions or conditions which allegedly caused the incidents described in the complaint;
- (c) Any actual or constructive notice allegedly given to the Defendants or any employee of Defendants of any condition, policy, practice, or custom which allegedly caused the incidents described in the complaint;
- (d) The nature and duration of any alleged condition which allegedly caused the incidents described in the complaint;
- (e) Any and all prior occurrences upon which a claim of policy, practice or custom will be based.
- (f) Any and all other matters claimed to be relevant to the instant action.

The undersigned will object upon trial to the testimony of any witnesses not so identified. If no such witnesses are known to Plaintiff, GEORGE ADAM, so state in the sworn reply to this request.

3. The names, addresses, telephone numbers and a statement of the subject and the substance of the proposed testimony of each and every witness the Plaintiff, GEORGE ADAM, intends to call at the time of trial.

4. The names, addresses, telephone numbers and a statement of the subject and substance of the proposed testimony of each and every expert witness consulted by the Plaintiff, GEORGE ADAM, and/or counsel and/or whom the Plaintiff, GEORGE ADAM, intends to call at the time of trial, together with the information required by FRCP Rule 26(a)(2) and Rule 11(3) of the Civil Justice Expense and Delay Reduction Plan of the USDC/SDNY.

5. A true copy of each and every exhibit the Plaintiff, GEORGE ADAM, intends to offer at the time of trial.

6. Any and all photographs, films, slides, videotapes and/or any other forms of

reproduction depicting the Plaintiff, GEORGE ADAM, the site of the incident(s) described in the complaint; the incident(s) described in the complaint; the defendant(s); any other fact or incident alleged in the complaint; and any and all other matters claimed to be relevant to the instant action.

7. Duly executed HIPAA compliant authorizations for the release of all treatment records, together with true copies of all medical and psychological records relating to Plaintiff, GEORGE ADAM's, medical and psychological condition at issue in this action, including but not limited to all such records in Plaintiff, GEORGE ADAM's, possession or under his/her control.

8. A duly executed authorization identifying Plaintiff, GEORGE ADAM's, health insurance carrier, and authorizing the release to the undersigned of all records relating to Plaintiff, GEORGE ADAM's, medical and psychological condition at issue in this action.

9. True copies of all employment and/or school records relating to any claim at issue in this action.

10. Copies of the entire file maintained by the Plaintiff, GEORGE ADAM's, criminal defense counsel and/or an authorization identifying said counsel and authorizing the release to the undersigned of a copy of the entire file.

**PLEASE TAKE NOTICE**, that the foregoing are continuing requests and that if any of the above items are obtained after the date of this request, they are to be furnished to the undersigned pursuant to these requests.

**PLEASE TAKE FURTHER NOTICE**, that pursuant to FRCP Rule 26(b)(5) and Standing Order 21(b) of the Standing Orders of the Court on Effective Discovery in Civil Cases, in the event any document, communication or thing is withheld on the basis of a claimed privilege, demand is hereby made that Plaintiff, GEORGE ADAM, specifically identify the privilege claimed and

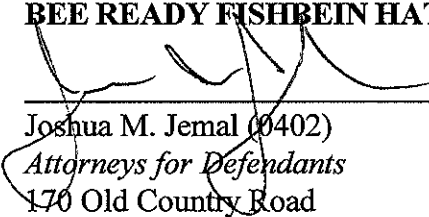
describe the nature of any document, communication or thing not produced.

Dated: Mineola, New York  
December 17, 2007

Yours, etc.,

**BEE READY FISHBEIN HATTER & DONOVAN, LLP**

By:

  
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Joshua M. Jemal (0402)

*Attorneys for Defendants*

170 Old Country Road

Mineola, New York 11501

(516) 746-5599 - **File No.: 6178-0701**

**TO: GRANDINETTE & SERIO, LLP**

*Attorneys for Plaintiff*

114 Old Country Road

Mineola, NY 11501

By: Anthony M. Grandinette (5913)

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